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OFFICE OF INTERNATIONAL AFFAIRS;  
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SUBJECT: U.S.-EU JUSTICE AND HOME AFFAIRS INFORMAL HIGH LEVEL  
MEETING

11. (SBU) SUMMARY: Senior U.S. and European Union (EU) officials met in Ljubljana, Slovenia January 9-10 for the U.S.-EU informal Justice and Home Affairs (JHA) Senior Level Meeting to discuss cooperation and coordination across a broad range of transatlantic law enforcement and internal security issues, including migration, border security, visas, law enforcement information sharing, counterterrorism, and the Western Balkans, and began preparations for the U.S.-EU JHA Ministerial Meeting planned for mid-March 2008. Both sides welcomed substantial progress by the Experts Group of the High Level Contact Group (HLCG) in developing a mutual understanding of data protection principles related to information sharing for law enforcement purposes, border enforcement, public and national security. The U.S. reiterated concern that the EU Framework Decision on the protection of personal data shared for law enforcement purposes could disrupt vital, ongoing arrangements to share such information if not interpreted and implemented properly. The EU sought to assuage these concerns by insisting that the Framework Decision would not alter existing exchanges. The Slovene Presidency provided briefings on the status of the Treaty of Lisbon and efforts to expand application of the Prum Treaty to all EU Member States. Both sides pledged to promote prompt ratification of the U.S.-EU Mutual Legal Assistance and Extradition Agreements and to coordinate closely on assistance efforts in Afghanistan, and at operational and policy levels on the Western Balkans. END SUMMARY.

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U.S. PARTICIPANTS  
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12. (U) Deputy Assistant Secretary (DAS) Elizabeth Verville of the State Department's International Narcotics and Law Enforcement Affairs (INL) Bureau and Deputy Assistant Attorney General (DAAG) Bruce Swartz of the Justice Department's Criminal Division co-chaired the U.S. Delegation. The U.S. Delegation included Deputy Coordinator for Counterterrorism Susan Burk, State Department Office of Counterterrorism (S/CT), Acting Chief Privacy and Civil Liberties Officer Ken Mortensen of the Justice Department (DOJ), Deputy Chief Privacy Officer John Kropf of the Department of Homeland Security (DHS), Senior Justice Counselor Mary Lee Warren of the U.S. Mission to the EU (USEU), USEU INL Counselor James McAnulty, USEU Department of Homeland Security (DHS) Attache Jacquelyn Bednarz, USEU Senior Consular Representative Paul Fitzgerald, Associate Director Tom Burrows of the DOJ Office of International Affairs (OIA), L/LEI Attorney-Adviser Ken Propp, Deputy Director Mike Scardaville of the DHS Office of European Affairs, Embassy Brussels FBI Assistant Legal Attache Becky Bosley, Embassy Ljubljana Consul Paul Schultz, INL/PC

Foreign Affairs Officer (FAO) Negah Angha, and EUR/ERA FAO  
Alessandro Nardi.

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EU PARTICPANTS  
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13. (U) Under Secretary Nina Gregori of the Slovene Ministry of Interior (MOI), MOI Senior Police Superintendent Anton Travner, and Director General (DG) Katja Rejec Longar of the Slovene Ministry of Justice (MOJ) co-chaired the EU Delegation, which included MOI Under Secretary Matjaz Dovzan, MOJ Under Secretary Luka Kremzar, Under

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Secretary Gregor Malec of the Ministry of Labor, Family, and Social

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Affairs, Deputy Director General Rafael Fernandez-Pita y Gonzales of the Council, Asylum and Migration Director Paul Hickey of the Council, Justice, Freedom, and Security (JLS) Director Tung-Lai Margue of the Commission, European Police Office (EUROPOL) Director Max Peter Ratzel, MOI Police Inspector Petra Marosa, MOJ Senior Counselor Petra Sesek, MOI Compensatory Measures Division Head Melita Mocnik, MOI Interpol Division Head Hinko Privsek, MOJ Senior Counselor Nusa Anuska Videtic, North American Division Director Barbara Sunik of the Slovene Foreign Ministry, Principal Administrator Wouter Van de Rijt of the Council, JHA Head of Unit Andrej Groselj of the Slovenian Permanent Representation (PERMREP), Division Commissioner Michel IPAS of the French MOI, JHA Head Counselor Daniel Lecrubier of the French PERMREP, JHA Counselor Jana Kulevska of the Slovenian PERMREP, JHA Counselor Philippe Rio of the French PERMREP, Magistrate Gerard Castex of the French MOJ, Principal Police Commissioner Thierry De Wilde of the French MOI, Chief of the European Affairs Service Jean-Cristophe Peaucelle of the French Immigration Ministry, MOI Counter-Terrorism Deputy Head of Unit Albert Cernigoj, European Judicial Coordination Office (EUROJUST) National Member Malci Gabrijelcic, Deputy Head of Unit

LJUBLJANA 00000041 002 OF 008

(External Relations and Enlargement) Heike Buss of the Commission, JLS Head of Sector Cecilia Verkleij of the Commission, Immigration Head of Sector Martin Schieffer of the Commission, Officer Marie-Ange Balbinot of the French Foreign Ministry, First Secretary Frank Schmiedel of the Commission Delegation in Washington, Desk Officer Nora Rolle of the Commission, and European External Borders Management Agency (FRONTEX) External Relations Officer Rick Weijermans.

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MULTI-PRESIDENCY PROGRAM FOR THE SLOVENIAN PRESIDENCY  
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14. (SBU) Gregori provided a brief summary of the Multi-Presidency Program issued by the Slovenian Presidency on January 7, 2008. She noted that the Presidency would focus on the Western Balkans, strategic partnerships with the United States and Russia, efforts against terrorism and transnational organized crime, cooperation in criminal and civil justice matters, and migration. For Slovenia, the Western Balkans remained one of the highest priorities, and EU officials would assist in preparing a threat assessment for the region. She expressed interest in cooperating with the U.S. on fighting terrorism, organized crime, drug trafficking, and illegal migration. Further, she emphasized that developing a common understanding on data privacy principles involving the sharing of law enforcement information would be an important objective. She remarked that very fruitful meetings had occurred earlier in the week on this important issue. Indicative of the breadth of transatlantic relations, Gregori noted that participants at a U.S.-EU Horizontal Working Party ("Troika") meeting would discuss drug issues January 24; the U.S.-EU Committee on Terrorism (COTER) Troika Meeting would address terrorism issues, as well as links between terrorism and drugs, May 22 to 23; and a U.S.-EU-Canada Trilateral Meeting would address consular and document fraud issues June 22. The venue for these meetings would be Brussels.

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INSTITUTIONAL DEVELOPMENTS UNDER THE TREATY OF LISBON  
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15. (SBU) According to Gregori, EU briefed participants on institutional developments that will occur under the Treaty of Lisbon signed on December 13, 2007. EU leaders hope for prompt ratification during 2008 to permit the treaty to enter into force prior to the European elections in 2009. The "Treaty for the Functioning of the European Union" will establish a President of the European Council to be elected for a term of two and one-half years, and a High Representative for Foreign Affairs and Security Policy, who would also function as one of the Commission's Vice Presidents. The Member States would continue to hold rotating six-month presidencies to lead other Councils, including the one for Justice and Home Affairs. Policy fields currently divided between first and third pillars involving border, asylum, migration, and criminal justice would combine into one area of Justice, Freedom, and Security. The European Parliament and the Commission would share "co-decision" powers on these policy issues, with the European Court of Justice exercising enhanced control over implementation by Member States; the Council would decide by qualified majority voting (QMV) in most cases, subject to an "emergency brake" allowing member states to invoke vital national interests in limited cases, but allowing sub-sets of member states to proceed with "enhanced cooperation" even in cases where decision by QMV is blocked. One option expressly identified under the Treaty for possible enhanced cooperation would involve creation of a European Public Prosecutor. Gregori noted that Hungary became the first Member State to ratify the Treaty, only four days after its signing in Lisbon.

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MIGRATION, BORDER, AND VISA ISSUES  
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16. (SBU) USDEL began the session by suggesting potential transatlantic value in sharing lessons learned and best practices on the issue of immigration reform and providing a step-by-step introductory timeline of the USG immigration policy and legislation to date, with emphasis on the recent failed attempt to legislate comprehensive immigration reforms in the U.S. Bednarz outlined DHS'

LJUBLJANA 00000041 003 OF 008

26 initiatives that DHS was taking administratively to build public support for legislative reform in a future Congress. These measures run the gamut from strengthening borders to controlling illegal immigration in the interior of the U.S. and streamlining measures for temporary workers. Immigration Head of Sector Martin Schieffer of the Commission noted some of the parallel policies between the U.S. and the EU. He noted that recent EU migration policies have been dealing with internal issues in the realm of economics, demographics, opening doors to legal migration, and fighting against illegal migration. Schieffer indicated measures are being reinforced to integrate third country nationals through an EU integration fund, as well as working on the external dimension to reinforce stronger borders. The new European "blue card" was presented as a concrete example of putting in place standard migration policies at the EU level. Admission decisions remained at the national level, while all other policies made by the EU promoted a "level playing field." The EU policy is also shifting towards jobs for high-skilled workers/immigrants, in order to avoid economic disintegration. DAS Verville observed that although some differences do exist, the U.S. and EU both face similar policy and operational challenges. (Follow-up: USEU to follow-up with the Commission for further information).

17. (SBU) Bednarz highlighted the recent reform to the Visa Waiver Program and its intended push for tougher security measures and moving away from its original focus on nationality. Scardaville also provided information on the Australian Electronic Travel Authority (ETA) system that had served as a model for U.S. efforts and assured the Europeans that the system would be a tailored program, which would build upon existing screening requirements. He also provided a brief overview of anticipated steps to be taken with any country requesting visa free status. Margue reiterated the EU's

long expressed desire for each EU Member State to have access to VWP and noted that the EU is developing a common position on the 9/11 bill reforms to the program. He inquired about the timeline with the new legislation in place and the level of fees for the new ETA system. Scardaville reassured Margue that the U.S. will continue close dialogue with EU as negotiations take place with those Roadmap countries meeting the requirements of the 9/11 Implementation Act. He said the ETA program would have a nominal fee.

18. (SBU) Margue noted that they were late in producing their second report on the EU provision of lost and stolen passport (LASP) data to the International Police Organization (Interpol) in order to evaluate any shortcoming by the end of February. Scardaville reported on the successful deployment and the use of Interpol's Stolen Lost Travel Document database at John F. Kennedy International Airport and encouraged the EU to focus their attention on Member States that have proven to be poor performers (notably Italy).

19. (SBU) Weijermans provided a brief overview of the operational activities of FRONTEX, the EU border management agency, which are aimed at combating illegal migration. Its functional abilities and budget, according to Weijermans, have increased. FRONTEX has been focusing its efforts on the technological equipment for its rapid response teams, while also developing border training activities and arrangements with Croatia and Georgia. Weijermans also emphasized the limits to FRONTEX's mission - emphasizing that they do not have an investigatory function nor are they presently authorized to handle personal data. Margue indicated that FRONTEX efforts will be outlined in the upcoming "Future Border Package" the Commission will publish in late February or early March. DAS Burk expressed interest in partnering the U.S. Regional Security Initiative (RSI) with FRONTEX, specifically U.S. interest in FRONTEX participation in a regional border security conference to deal with southeast Europe and the Eastern Med which the U.S. is looking to organize. Bednarz also emphasized the importance of working with FRONTEX and pursuing in 2008 a more formal cooperative arrangement for sharing lessons learned, training approaches and other areas for potential collaboration.

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LAW ENFORCEMENT INFORMATION SHARING  
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110. (SBU) Travner inquired about follow up on implementation of the U.S.-EU Passenger Name Records (PNR) agreement, including the status

LJUBLJANA 00000041 004 OF 008

of the joint review, efforts to permit the pushing of data by airlines rather than pulling of data from airline databases, and feedback on the utility of PNR data. Scardaville noted that DHS was reviewing the EU's non-paper with suggestions on implementing the joint review. He described the review as a critical tool for moving U.S.-EU dialogue forward, noting that, from the U.S. perspective, the review had two major goals -- providing credible reassurances to European colleagues and the public that DHS use of PNR data remained consistent with the terms of the agreement and in ensuring that European programs are deployed in a compatible manner. Margue stressed the importance of assessing how the agreement has functioned on both sides. Verkleij wanted to ensure that passengers received appropriate notice of the collection of this personal data and suggested timing of the review in the second half of the year. Scardaville agreed on possible timing, but noted that both sides had to agree first on the mechanics. Kropf suggested making the report public in the interest of transparency. Verkleij agreed with a public report, as well as a private "confidential" version, as occurred with the first joint review.

111. (SBU) Travner said his country strongly supported progress on arriving at a common understanding of principles to protect personal data shared for law enforcement purposes, border enforcement, public and national security. He suggested two additional meetings via digital video conference (DVC) to move the process forward quickly. Assuming consensus on the principles, both sides would need to



determine how the resulting document could be used to avoid future disagreements in this area. On this, Slovenia would need to consult with other Member States. Verkleij expressed gratitude for efforts thus far, including the meetings in Brussels earlier in the week. Noting that both sides had reached common language on two-thirds of 16 principles currently in the document, she expressed confidence in achieving agreement within the coming weeks, despite the difficulty of bridging differences between two different legal systems. She acknowledged that full agreement may not occur on all principles at the experts level, noting specifically the issue of redress, given that EU citizens had no official legal standing under the U.S. Privacy Act. Nonetheless, "substantial progress" has occurred; however, she added, several principles under consideration went beyond the scope of traditional data protection principles and involved the wider U.S.-EU relationship. She felt such principles may not be appropriate for discussion at the technical level. [NOTE: During a subsequent DVC the EU began discussing the first of these points. End note.] She also suggested that the HLCG conclude work only on those principles she considered "traditional," reserving discussions on more operational principles for a later date. In response, Mortensen suggested examining the principles in a "holistic" fashion to build upon the significant -- even "greater-than-expected" -- progress that has occurred. Propp encouraged the development of ideas on the form that the document might take, whether as an international agreement, for example, or as a formal decision by the Council, on behalf of all Member States, on the "adequacy" of the U.S. system to protect personal data shared for law enforcement purposes. DAAG Swartz agreed that "substantial progress" had occurred, noting that Ministers from both sides had indicated at the December JHA Troika that they expected concrete results by the next Ministerial meeting. DVC meetings would be critical in advancing the process. Mortensen agreed that the recent meetings had been "very successful" in advancing important work affecting operational aspects of information exchanges and commented that the Slovene Presidency representative, Blaj Visnar, was very effective in moving issues forward during the discussions on the principles. Expressing satisfaction with progress to date, DAS Verville emphasized the urgency of reaching agreement promptly, given that this issue affected everything done by both sides on law enforcement. She stated that everyone involved should commit to preserving and enhancing existing, robust law enforcement cooperation.

¶12. (SBU) Longar provided a brief history of negotiation of the Framework Decision on protection of personal data exchanged for law enforcement purposes, with the Council reaching "political agreement" last November. In addition to working on resolving various parliamentary reservations, the Council had decided to consult again with the European Parliament on the content of this Framework Decision. At least five Member States needed to resolve Parliamentary reservations, including Denmark, Ireland, the Netherlands, Sweden, and the United Kingdom. She expressed hope

LJUBLJANA 00000041 005 OF 008

that this could occur by October 2008, after which it would take another two years for Member States to implement the Framework by amending national legislation. She emphasized that the main objective of the Framework involved promoting mutual trust, through establishment of data protection standards, to facilitate the exchange of law enforcement information. Longar emphasized that the Framework Decision would apply only to cross-border exchanges of data (i.e., data shared by one Member State with another). She acknowledged that sharing of such data with third countries represented the most sensitive aspect of negotiation of this document, with Member States insisting that they remain free to do as they had done previously. She noted that Article 14 would govern exchanges of cross-border data with third countries, including a provision requiring that recipient countries ensure an "adequate" level of protection of personal data.

¶13. (SBU) DAAG Swartz emphasized that this issue remained one of great importance not just to the U.S. but jointly with Member States. No other document had greater potential to disrupt information exchanges, particularly if not implemented properly. Authorities on both sides have exchanged law enforcement data for decades based on mutual trust. He understood that the Framework

Decision would "grandfather" agreements already in place, including those with Member States, EUROPOL, and EUROJUST. He expressed hope that the work on the common principles would resolve the issue of whether the U.S. ensured "adequate" protection of personal data when exchanged for law enforcement purposes. Propp noted that the scope of exchanges contemplated by the common principles document involved not only pure law enforcement data but also border security data and mixed categories of data. It was not evident that "adequacy" decisions by data protection authorities in 27 different Member States under the Framework Decision would serve to clarify the situation for the United States in all cases. Kropf reinforced this point emphasizing the lack of transparency on what is required to be deemed "adequate" and suggested the EU undertake the same level of outreach to explain this concept as the U.S. did to explain its privacy system to Europe. Propp therefore urged that the work of the HLCG be completed soon to prevent problems.

¶14. (SBU) Margue insisted that the situation involving exchanges of law enforcement information would remain unchanged under the new Framework Decision. Member States already applied "adequacy" decisions in sharing information with U.S. authorities. He said he did not see the same level of danger as expressed by the U.S. side and he believed that practice would prove him right. DAAG Swartz expressed hope that Margue was correct. To resolve U.S. concerns, he urged that the EU recognize the U.S. system of protecting data as "adequate" on behalf of all Member States. Burrows expressed satisfaction at the evolution of the Framework Decision from its early drafts to its ultimate version and hoped that both sides would reach a common understanding on its implementation. For example, the scope of the intelligence "exclusion" remained of interest as well as the scope of Article 27's clause that appeared to "grandfather" agreements and memoranda of understanding. The U.S. and the EU needed to reach a common understanding of the Framework's application. DAS Verville emphasized the importance of ongoing law enforcement cooperation between U.S. authorities and Member States on the basis of mutual confidence. She did not want such vital exchanges to be disrupted potentially by decisions in 27 different Member States. Margue reiterated that exchanges of information would remain the same as done currently. Longue seconded his remarks, noting that Member States would continue to work with the "old" channels of exchanging data.

¶15. (U) Travner briefed the group on follow up to the political agreement by the EU during the German Presidency on implementation of the Prum Treaty across the EU. A "technical annex" remained under negotiation before implementation could occur among all Member States. A "Friends of the Presidents" group would attempt to conclude negotiations during the Slovene Presidency. Application of the Prum Treaty EU-wide would permit broader sharing of fingerprints, DNA, and vehicle registration data on a "hit/no hit" (or "match" versus "no match") basis. DAAG Swartz noted that the U.S. side had followed developments closely and considered this to be a "useful and innovative" approach. The U.S. side was considering pursuing a Prum-like agreement with the EU but needed to resolve various issues. For example, the U.S. side maintains an even stricter regime on the sharing of DNA data. He remarked as well that the Mutual Legal Assistance Agreements would essentially

LJUBLJANA 00000041 006 OF 008

create a similar "hit/no-hit" approach for gaining access to bank records, which would prove innovative and useful for law enforcement cooperation.

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COUNTER-TERRORISM AND SECURITY  
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¶16. (SBU) DAAG Swartz provided a briefing on proposed U.S. legislation to amend provisions of the Foreign Intelligence Surveillance Act (FISA) concerning electronic surveillance by U.S. intelligence agencies. He noted that the U.S. legal system made a distinction in procedures between gaining permission to initiate wiretaps in criminal cases under the Electronic Communications Privacy Act (ECPA) - Title III - and to conduct surveillance for intelligence purposes under FISA. Both systems, he noted, involve judicial oversight for gaining warrants. Under ECPA, for a criminal

investigation, authorities must demonstrate to a judge the "probable cause" of the involvement by a particular telephone number in the commission of a criminal act. Under FISA, which applies to telecommunications within the United States, authorities must show "probable cause" before a special court that a person is an agent of a foreign government or engaged in terrorism. The proposed legislation will provide some technical corrections but will not affect how intelligence agencies conduct their missions outside the U.S., for example, in their liaison work with Member States' intelligence agencies. Margue inquired whether such action would create an imbalance between the treatment of U.S. citizens and non-U.S. citizens. DAAG Swartz responded that FISA involves Constitutional protections applicable to "U.S. persons," including individuals in U.S. territory. He reiterated that the proposed reform would not affect how intelligence agencies conduct their activities abroad. In addressing the issue of protection of EU citizens, he noted that the U.S. side could pose a reciprocal query regarding safeguards that U.S. citizens have in relation to collection by EU intelligence agencies. Margue inquired whether intelligence collection occurred for law enforcement purposes, such as tax evasion. DAAG Swartz assured him that U.S. authorities conducted their collection strictly for national security purposes and not/not for criminal justice issues, such as taxation.

¶17. (SBU) Griselj noted that the Commission had presented important counter-terrorism proposals November 6, including measures designed to prevent attacks. Margue said the package included three main components: (1) amendments to the Framework Decision on Combating Terrorism, (2) measures to promote security of explosives, and (3) a proposed PNR system for the EU. He invited the U.S. side to exchange information on best practices involving safeguarding of explosives. He noted that during the U.S.-EU PNR negotiations, EU officials had become convinced of the utility of establishing an EU system that would involve passenger data on flights into and out of the EU but not within the EU. Longar noted that the changes to the Framework Decision involved sensitive ones to be decided at a senior political level, since they involved striking the right balance between suppressing terrorist acts and protecting freedom of expression. Changes would entail updates on definitions of public incitement, recruitment, and training. Griselj noted EU interest in working on traceability of explosives, an early warning system, and proper disposal.

¶18. (U) DAAG Swartz said the U.S. side would be happy to share experiences on dealing with "preparatory" offenses associated with terrorism and with safeguards against diversion and use of explosives in terrorist acts. Scardaville noted the substantive work TSA had already undertaken with DG TREN on explosives detection and the potential to delve further into this issue if an S-and-T agreement can be struck with DG JRC. Margue suggested further exploration of explosives issues be addressed at the next COTER. Scardaville reminded the EU that DHS had already provided the EU with examples of the use of PNR in border management and investigatory contexts. He also noted DHS's continued willingness to work with the Commission to market PNR systems and policies. Margue noted that the EU system would contain the same 19 elements of data processed by the U.S. system. The retention period would be slightly less -- five years, versus seven in the U.S. system, for "active" files and eight years for "dormant" files. He confirmed that the purposes of data collection for the EU system would be the same as those for the U.S. system.

LJUBLJANA 00000041 007 OF 008

¶19. (SBU) DAS Verville described links that the U.S. side through intelligence reporting has observed between terrorism and drug trafficking in Afghanistan. Senior Justice Counselor Warren noted that the links were confirmed in U.S. law enforcement work as shown in public record criminal indictments, trial testimony, and pleas in the U.S. According to both UN and U.S. reporting, Taliban commanders use drug proceeds to purchase weapons and explosives to support the insurgency. The Taliban intimidate farmers into cultivating opium poppy, assess taxes on drug activities, and protect vehicles transporting drugs. DAS Verville noted that while drug cultivation has dropped in the relatively secure northern

provinces, cultivation has grown significantly in the less secure southern provinces. The U.S. remains concerned that Afghanistan will change from a narco-economy to a narco-state. Griselj observed that the situation in Afghanistan is a common concern for the EU. He expressed interest in examining the impact of drug flows from Afghanistan, perhaps at a Committee on Terrorism (COTER) meeting in March. Margue said everyone agreed that links exist between terrorists and organized crime, including drug trafficking. Asserting that funding levels appeared sufficient, he urged greater coordination on the use of such funding in Afghanistan. Ratzel encouraged greater sharing of information with EUROPOL, and asked the USG for evidence of links between terrorists and drug trafficking. DAAG Swartz noted that the drug problem resulting from Afghanistan cultivation was serious enough in its own right to merit EUROPOL's attention and offered DOJ/DEA follow-up. DAS Verville argued for a balanced approach to the multi-faceted drug problem in Afghanistan. Promoting licit alternatives for farmers must be matched by introducing disincentives to growing drug crops.

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JUSTICE AND LAW ENFORCEMENT ISSUES  
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¶20. (SBU) The Commission outlined the importance they place on fighting illegal activities (such as, child pornography and cyber-attacks) and public-private cooperation. DAAG Swartz emphasized the need for closer coordination on cyber related meetings. Commission inquired about the DHS cyber-storm exercise. (Follow-up: DHS to provide more details and readout of the conducted cyber-storm exercise).

¶21. (U) Propp provided an update on the status of U.S. ratification of U.S.-EU Mutual Legal Assistance and Extradition Agreements. The Administration planned to transmit the documents soon to the U.S. Senate for advice and consent, with required hearings occurring possibly within the next several months. Propp expressed appreciation for efforts by Commission Vice President Franco Frattini to speed up ratifications on the EU side. He expressed concern over lack of clear timelines in the Netherlands, Belgium, and Greece. Longar said the Slovene Presidency would speak with Member States where problems existed, and Margue added that the Commission would send letters to Justice Ministers. Longar noted as well that her Minister would raise the issue at the next Council meeting.

¶22. (U) Lecrubier of the French Permanent Representation to the EU briefed on the four main priorities for EUROJUST development which included (1) reinforce staffing of EUROJUST; (2) cooperation capacity of coordination capabilities; (3) exchange of information amongst Member States and EUROJUST; and (4) working with other countries. DAAG Swartz stressed the value of the U.S.-EUROJUST relationship and emphasized that the current lack of a full-time U.S. representative does not suggest diminished support or enthusiasm, but rather a funding issue.

¶23. (SBU) DAS Verville briefed the EU on recent consultation with the UN Secretariat for the Conference of State Parties (COSP) in Bali at the end of January and on the November Asia Pacific Economic Cooperation (APEC) meeting in Peru. The Commission agreed to closely coordinate at the COSP and will attend the Group of Eight (G8) meeting that the Japanese will convene the day before the meeting begins. The Commission also agreed to consult closely prior to the meetings with a view to reaching a common position on key issues including technical assistance, the review mechanism and asset recovery. DAS Verville also took the opportunity to brief the Europeans on the recent developments involving Nigeria's Economic and Financial Crimes Commission (EFCC) Chair, one of our most

LJUBLJANA 00000041 008 OF 008

important Nigerian asset recovery and anticorruption interlocutors. She urged the Europeans to also voice concern about the reassignment of Mr. Ribadu and the need for maintenance of the independence and effectiveness of the EFCC.

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WESTERN BALKANS



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¶24. (SBU) The Slovene Presidency indicated they were hosting a meeting in Brussels from January 14-16 to discuss the future of the SECI Center and the draft SELEC Convention. The Convention is intended to be ready by mid-March. The Commission gave assurances that their intentions to develop stricter data protection standards in the SECI charter are not intended to make SECI into an EU institution. USDEL emphasized the importance of not undercutting the information sharing and the law enforcement sharing with third countries, such as the U.S. The Commission and USDEL agreed on the need to hold a strategic review/dialogue prior to the experts' level meeting.

¶25. (SBU) The European Police Office (EUROPOL) Director Max Peter Ratzel briefed on the Organized Crime Threat Assessment for the Western Balkan States (SEE OCTA) and the six steps intended to be undertaken to achieve the final report in 2010. EUROPOL will be advising SECI on the importance of training; national contributions and the quality of their work; data protection issues; and how to synthesize issues collected by the national contributions. Ratzel invited the USDEL to take part in all steps to help enhance the SEE OCTA report. USDEL welcomed the invitation and deferred to EUROPOL in any way they needed USG support. The Slovene Presidency indicated that a kick-off meeting for OCTA is to take place at the end of March in Vienna and the final concluding ceremony intended to take place in Brdo, Slovenia, in 2010. DAAG Swartz urged that DOJ liaison officers participate in the kick-off meeting - which was agreed to by the Presidency.

¶26. (SBU) The Commission outlined the importance of the SECI center to the EU region. Between the years 2001-2006 the Commission spent 500 million euros in the Justice and Home Affairs area and in 2007 spent another 410 million Euro to fund projects. DAS Verville outlined the institution-building (i.e. training, advising, equipping, and limited infrastructure) U.S. criminal justice programs/projects currently underway in the Balkans regions. The USDEL expressed the need for coordination and consultation at the strategic level between Washington and Brussels on all assistance projects related to the Western Balkans - whereby the Commission welcomed the meeting and agreed for it to meet in Brussels. (Follow-up: INL will coordinate with the Commission on timeframe of meeting).

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COMMENT  
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¶27. (SBU) The comprehensive agenda for the January 9 to 10 JHA Informal Meeting reflected growing transatlantic cooperation on counterterrorism, law enforcement, and border security issues. The Slovene Presidency provided a productive start to its Presidency of the Council of the European Union, both by the strength of its delegation and constructive efforts by its chairpersons to move the discussions towards concrete solutions. Both sides remain hopeful for tangible "deliverables" for the JHA Ministerial Meeting, scheduled for March 12-13 in Slovenia, including full development of a common understanding on data protection principles related to law enforcement information sharing, participation in an EU threat assessment for the Western Balkans, and a comprehensive review of U.S. and EU initiatives in the Western Balkans.

COLEMAN